
What to do when scholars differ

Translated by Ahmed Abu Turaab

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

How does the common Muslim know what to do when scholars differ? Think and use your brain to try and understand the proofs

Questioner: Some scholars differ in their opinion [with others], one will say something and another will say, “No, this is a mistake, [rather] this is correct,” and let’s assume that we are not people of knowledge or people of ... ya’nee we’re just common folk ... of course ... we want to know the principles and the mistake if ... this person says ... and the second one says, “This is a mistake ... this is not ...” so what is your opinion [about] the differing between the scholars in a particular issue, an issue which concerns one?

Shaykh al-Albaanee (رَحِمَهُ اللهُ)¹: [Concerning] issues such as this the reason [people] fall into difficulty is that the effect of that sentence which we hear many times in the present day and age and especially in this country is not found among the general Muslims, what is that sentence? “Enlightenment/education ...” the majority [of people] do not have a general awareness or knowledge of the reason for the differing, and [additionally] they [also] do not have an awareness of what their stance in relation to this differing must be.

So many of them will say what occurs in the weak hadeeth, “The differing of my Ummah is a mercy,” thus they ratify differing, however severe and copious it might be [due to it], and a few of them [go to the other extreme and] want to put an end to differing from its very root such that the scholars become [united] upon a single word in all issues [even those] which the scholars of fiqh of old have differed over—and this is something impossible! Because in His profound Wisdom Allaah (عزوجل)² ordained, and there is none who can stop anything He ordains, saying:

[And if your Lord had willed, He could have made mankind one community, but they will not cease to differ, except whom your Lord has given mercy.]³

¹ (رَحِمَهُ اللهُ) (rahimahullaah) May Allaah the Most High have mercy on him

² (عزوجل) (Azza wa Jaal) Mighty and Majestic is He

³ سورة هود – Soorah Hood [11:118-119]

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Differing is of two types: the first is where there is mercy with one another and where [each party] tries to understand the other. The second is the type of differing which involves conflict, antagonism, and enmity.

The first is the type which is unavoidable and is that which our Pious Predecessors were on, they would differ but they would not have enmity for one another and nor were they divided due to the differing because of what you have heard in the aayah:

[... and do not be of those who associate others with Allaah [or] of those who have divided their religion and become sects, every faction rejoicing in what it has.]⁴

So if our Salaf as-Saalih, at the head of whom are the Companions of Allaah's Messenger (صلى الله عليه وسلم)⁵, differed then it is unavoidable for [the people of] a [particular] group, or age, or generation not to differ, but that which was sufficient for the Prophet's Companions (صلى الله عليه وسلم) when they differed is also sufficient for these people, [i.e.,] that they do not become enemies one to another and do not hate one another—there is no escaping such differing, the generality of Muslims must know this and they should not condemn any [and every instance of] differing between one scholar and another which they hear about, because this is something which is from man's nature which Allaah created them with, an indication of which has preceded in the aforementioned aayah.

If this is the case, what should the general Muslims do when they see such differing? Here lies the crux of the matter [that I had intended] by my [earlier] statement when I said that there is no enlightenment/education and no general cultivation. Before about a quarter of a century, the general Muslims were living according to a constrictive Madhhabism, each individual from millions of Muslims was satisfied with his school of thought, this one is a Hanafee, that one a Shaafi'ee and so on.

But as for now, then there has been found, alhamdulillah, the beginnings of an awakening, I do not say the awakening has been found, [but rather] that the beginnings of an awakening can be seen, so the people are aware of things which they were not mindful of before, but this awareness needs a completion. It is this completion which I am in the middle of explaining now, and it is: that you, O Muslim, however highly educated or not you are in the Islaamic Legislation, when you hear about some differing between two scholars then think a little, look ... is it said of both of them that they truly are scholars from the people of knowledge? It may be a student who thinks he is a scholar—and who thus says something in which he differs with the scholars and as a result differing between the scholars in the issue occurs. No.

⁴ سورة الروم – Soorah ar-Room [30:31-32]

⁵ (صلى الله عليه وسلم) (sallallaahu 'alayhi wa sallam) May the peace and blessings of Allaah the Most High be upon him

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So after this observation, when it is established, for example, that there is some differing between two venerable scholars, then the following caveat comes into play: if you are able to distinguish between one proof and another, then you must become acquainted with the proofs of both scholars, and [after doing so] find comfort with the stronger proof, what I mean is that even the general Muslims should strive [to understand the proofs/ijtihaad], but such ijtihaad differs from person to person, so how can, for example, a common person perform ijtihaad? His ijtihaad in relation to himself is as follows.

He hears a fatwa from one scholar which opposes that of another, so he should not stop at that fatwa, and here many, many different forms become apparent ... you request proof from one of them and he says, "This is my opinion and ijtihaad," or, "This is my madhhab," and you request it from the other and he says, for example, "Allaah said ... Allaah's Messenger said ... the Salaf said," and so on, as Ibn al-Qayyim (رَحِمَهُ اللهُ) said:

"Knowledge is, 'Allaah said ... His Messenger said ...
The Companions said ...' and it is not hidden
Knowledge is not your raising up a dispute foolishly
Between the Messenger and the opinion of a faqeeh."

When you traverse upon this methodology in trying to become acquainted with the proof, the difference between the two answers will become clear to you ... I told you that one of them says, "This is my opinion ... my ijtihaad ... my madhhab," this happens sometimes, the other will give you proofs, either from the Book or the Sunnah or the actions of the Salaf as-Saalih, at that point you will find yourself leaning towards the opinion of this scholar and his ijtihaad and you will not look at the opinion of the first, and at that time the difficulty [you have] will disappear from you, this is a very clear illustration.

And if we assume [a case where] both scholars used proofs, as occurred recently with Shaykh al-Bannaa, I think some of you were present when we discussed, with one of the noble teachers, the issue of reciting Soorah al-Faatihah behind the Imaam in the prayers where the recitation is made audible, and those listening listened, and the person takes whatever the soul feels comfort in [since both scholars were providing proofs], whether the truth is with Zaid or 'Amr [i.e., whoever the truth is with]—what is important is that he not be a person of desires or [someone with] a particular purpose [that he seeks through his fatwa] and that he not be as is mentioned in a statement made by Ibn Mas'ood (رضي الله عنه)⁶ in marfoo⁷ and mowqoof⁸ form but what is correct is that it is mowqoof, where he said, "Do not let yourselves be 'yes-men,'⁹ saying, 'If the people are good then we will be good, and if

⁶ (رضي الله عنه) (rad iyallaahu `anhu) May Allaah the Most High be pleased with him

⁷ Marfoo is a hadeeth which is traced back to the Prophet (صلى الله عليه وسلم) directly.

⁸ al-mawqoof: A hadeeth that is attributed to a Companion.

⁹ [إمعة]: the one who has no opinion so he follows everyone's opinion]

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they are wrong then we will be wrong.’ Rather, make up your own minds, if the people are good then you are good, and if they are evil, then do not behave unjustly.”¹⁰

So, the general Muslims must set their hearts on knowing who the truth is with and then follow it, each person doing so according to the limits of their education, intellect and understanding, and Allaah does not burden a soul with more than it can bear.

The summary is that it is not possible to put an end to differing, it was there in the time of the Prophet and has continued to this day of ours, so do not seek the impossible. And when this is the case, what should the stance of the general masses be? It is as I just explained, that they seek out the truth, then their condition will be like that of those who strive to come to religious verdicts [mujtahideen]—if they are correct they will have two rewards, and if mistaken, then one, what is important is that they do not be people of desires and [particular] aims, and Allaah is sufficient ...

Fataawaa Jeddah, Ahlul-Hadeeth wal-Athar, 5. [2/5/474]

¹⁰ Tirmidhee, v. 4, no. 2007, Darussalam transl.